

**CALENDAR ITEM
C21**

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04/20/17
PRC 5490.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Lakeland Village Owners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3535 Lake Tahoe Boulevard, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and three mooring buoys.

LEASE TERM:

10 years, beginning May 19, 2010.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends rent be revised from \$741 to \$315 per year, effective May 19, 2017.

PROPOSED AMENDMENT:

Amend the lease to delete the existing Section 3, Site and Location Map, and replace it with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5;
California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and the State's Best Interests Analysis:

On December 10, 2010, the Commission authorized a 10-year General Lease – Recreational Use to the Lessee, beginning May 19, 2010, for an

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existing pier and three mooring buoys ([Calendar Item C26, December 10, 2010](#)). That lease will expire on May 18, 2020.

Staff conducted the rent review called for in the lease and recommends the rent decrease. When the lease was authorized on December 10, 2010, the Lessee met the statutory requirements for an exception to changes made to Public Resources Code section 6503.5, which as originally enacted exempted private recreational piers and mooring buoys from rent when operated by associations consisting of natural persons who own single-family dwellings on the littoral upland property. The Lessee is a property owners' association that consisted of 261 members upon issuance of the lease. Eight percent of the members did not qualify for rent-free status when the lease was issued. The rent was prorated accordingly. Upon review of the current list of members, there has been a decrease to 260 members and seven percent of those members do not qualify for rent-free status.

Staff recommends the rent be revised from \$741 per year to \$315 per year based on changes to the impact area for the pier, application of the updated Lake Tahoe Benchmark, and the adjustment in the proration of rent due to the change in the composition of the property owners' association membership. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The amendment and revision of rent is an administrative action unlikely to result in any changes to the use of the lease premises. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State at this time.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of rent are not projects as defined by the California Environmental Quality Act, because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

CALENDAR ITEM NO. **C21** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment and revision of rent will not substantially interfere with the Public Trust needs and values at this location, at this time and for the foreseeable term of the lease; are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5490.1, a General Lease – Recreational Use, effective May 19, 2017, to delete the existing Section 3, Site and Location Map, and replace it with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5490.1 from \$741 to \$315 per year, effective May 19, 2017.

EXHIBIT A

PRC 5490.1

LAND DESCRIPTION

Four parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to fractional Section 33, Township 13 North, Range 18 East, M.D.B. & M., as shown on Official Government Township Plat approved February 18, 1954, County of El Dorado, State of California, described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to that parcel described as Parcel B in Grant Deed recorded April 11, 1984 in Book 2280, Page 126, Official Records of El Dorado County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2, 3 & 4 - BUOYS

Three circular parcels of land, each being 50 feet in diameter, underlying three existing buoys lying adjacent to that parcel described as Parcel B in Grant Deed recorded April 11, 1984 in Book 2280, Page 126, Official Records of El Dorado County.

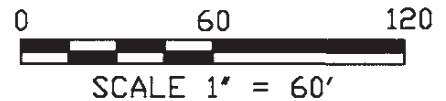
Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared 04/06/2016 by the California State Lands Commission Boundary Unit.



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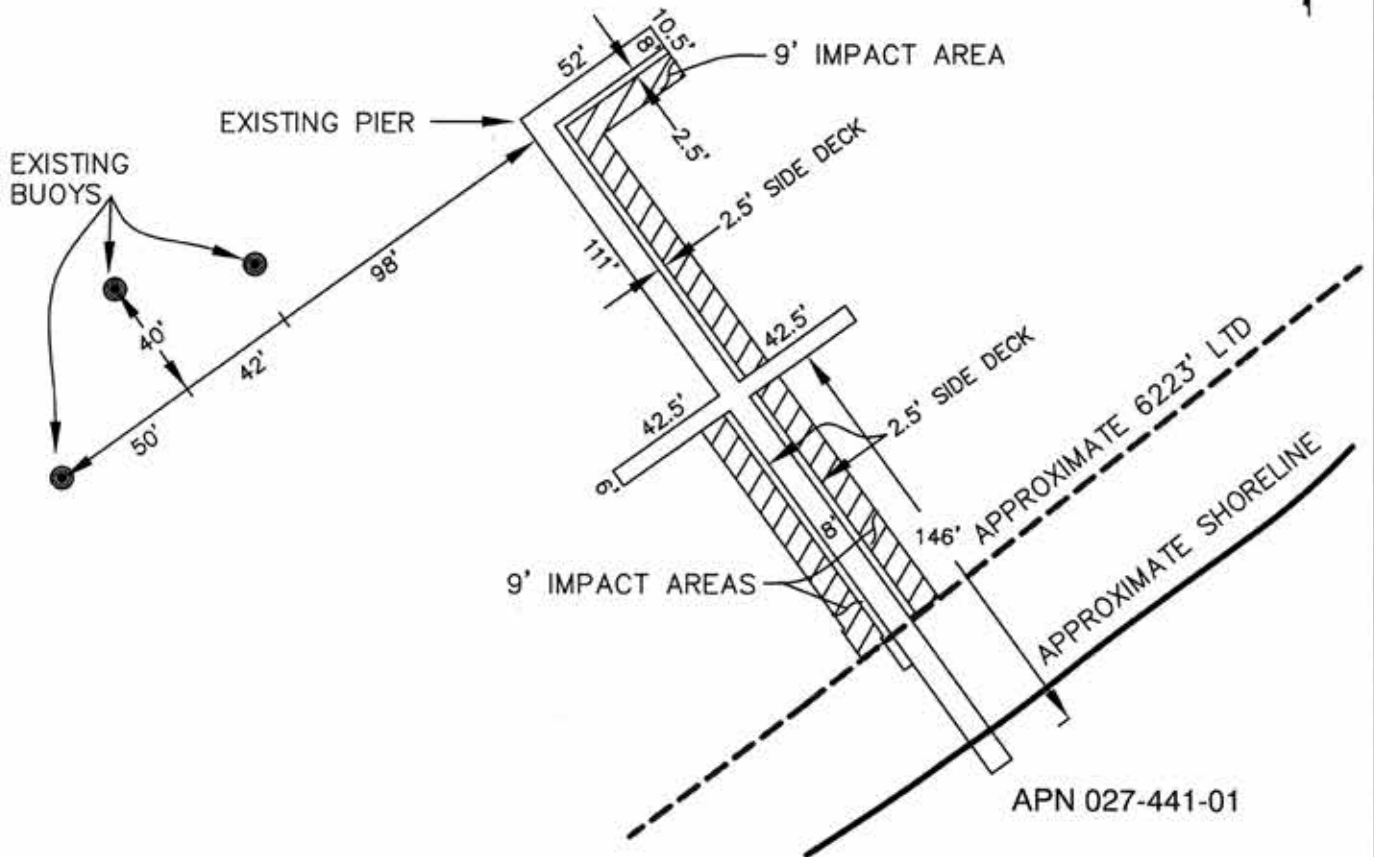


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NO SCALE

SITE

Lake Tahoe



3535 LAKE TAHOE BLVD., SOUTH LAKE TAHOE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5490.1
LAKELAND VILLAGE OA
APN 027-441-01
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



DTE 04/06/2016